

BILL ANALYSIS

Senate Research Center

H.B. 3380
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International Relations, Trade & Technology
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Enrolled

DIGEST

In the past, the Texas National Guard has received Title 32 funding from the National Guard Bureau verifying that the Congress of the United States authorized the Department of Defense to provide National Guard personnel to support law enforcement agencies in efforts to reduce the supply of drugs in this country. The Governor, as commander of the Texas National Guard, commands and controls the activities of National Guard personnel providing counter-drug support. H.B. 3380 would provide the Governor of Texas the authority to work with governors in bordering states to control illegal drugs.

PURPOSE

As enrolled, H.B. 3380 outlines provisions regarding the adoption of the National Guard Mutual Assistance Counter-drug Activities Compact.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 431, Government Code, by adding Subchapter K, as follows:

SUBCHAPTER K. NATIONAL GUARD MUTUAL ASSISTANCE COUNTER-DRUG ACTIVITIES COMPACT

Sec. 431.141. ADOPTION OF COMPACT. Sets forth the form by which the National Guard Mutual Assistance Counter-drug Activities Compact (compact) is enacted and entered into by this state.

ARTICLE I

Purpose

Sets forth the purposes of this compact.

ARTICLE II

Entry Into Force and Withdrawal

Sets forth requirements and provisions regarding entry into force and withdrawal of the compact.

ARTICLE III

Mutual Assistance and Support

Defines "drug interdiction and counter-drug activities," "demand reduction," "requesting state," "responding state," "law enforcement agency," "official," "mutual assistance and

support agreement," "agreement," "party state," and "state." Sets forth the authority of the governor of a responding state upon the request of a governor of a party state for assistance in the area of drug interdiction, counter-drug and demand reduction activities. Sets forth the authorization of the governor of a party state, the national guard of this state, and the adjutant general of this state. Sets forth information to be included in the agreement required to set forth the powers, rights and obligations of the parties to the agreement, where applicable. Requires the agreement to be submitted to and receive the approval of the office of the attorney general as a condition precedent to an agreement becoming effective under this part. Authorizes the attorney general to delegate his or her approval authority to the appropriate attorney for the Texas National Guard subject to those conditions which he or she decides are appropriate. Sets forth information to be included in writing in the delegation. Provides that whenever national guard forces of any party state are engaged in the performance of duties, in the area of drug interdiction, counter-drug and demand reduction activities, pursuant to orders, they shall not be held personally liable for any acts or omissions which occur during the performance of their duty.

ARTICLE IV

Responsibilities

Sets forth provisions and requirements regarding compact responsibilities.

ARTICLE V

Delegation

Sets forth provisions regarding delegation.

ARTICLE VI

Limitations

Sets forth requirements and provisions regarding limitations.

ARTICLE VII

Construction and Severability

Severability clause.

Sec. 431.142. AUTHORITY OF TEXAS NATIONAL GUARD UNDER COMPACT. Sets forth the authority of the Texas National Guard regarding drug reduction activities under the compact.

SECTION 2. Emergency clause.
Effective date: upon passage.